



198 Park Road, 2<sup>nd</sup> Floor  
West Hartford, CT 06119  
(860) 231-8842  
[www.EnvironmentConnecticut.org](http://www.EnvironmentConnecticut.org)

Written Testimony of Christopher Phelps  
Environment Connecticut Program Director  
Concerning SB 412, An Act Concerning Environmental Impact Evaluations For A Development  
Project Located At A State Owned Airport

Before the Connecticut General Assembly Transportation Committee  
Tuesday, March 9, 2010

Senator DeFronzo, Representative Guerrero, and members of the Committee:

Thank you for the opportunity to offer this testimony concerning SB 412. Environment Connecticut is a statewide, member-supported non-profit environmental advocacy organization. In 2009, we strongly opposed legislative proposals that would have exempted privately funded development projects at state-owned airports from environmental impact evaluation (EIE) pursuant to the Connecticut Environmental Policy Act.

The bill before you is a continuation of that debate from last year. However, we believe that a reasonable resolution to the issues raised by the prior legislative proposals is available. Proposed substitute language for SB 412 is attached to the end of this testimony. This proposal is the product of ongoing conversations between local officials, legislators, the Council on Environmental Quality, and environmental advocates. This proposed substitute language retains the requirement of an EIE for such projects. It further establishes that going forward, the task of preparing such documents may not be delegated by the sponsoring state agency to a private third party developing such project. However, the agency may contract with a private consultant to prepare an EIE and may require the private third party to pay a fee covering costs of an EIE.

We believe this is a reasonable resolution to this issue that also clarifies the statute to ensure that responsibility for contracting for an EIE remains with the sponsoring state agency in such situations in the future.

This is the proposed substitute language we respectfully submit for your consideration:

Section 1. (New) (Effective upon passage) The sponsoring agency responsible for conducting an environmental impact evaluation may enter into contracts with outside consultants to assist in the preparation of such evaluation so long as the sponsoring agency furnishes guidance, participates in the preparation and independently evaluates the document prior to its general circulation. Where the actions which are the subject of the environmental impact evaluation pursuant to section 22a-1c are being undertaken by private non state entities, the sponsoring agency may not delegate the task of preparing an environmental impact evaluation to the private non state entity but may require such entity to pay a fee sufficient to cover the reasonable cost of hiring any outside consultants.

Section 2. (New) (Effective upon passage) Notwithstanding the above, for any environmental impact evaluation performed prior to the effective date of this statute by a contractor retained by a private non state entity and independently evaluated by the sponsoring agency, (1) the sponsoring agency shall review, circulate, publish and hold a public hearing on such evaluation as required by section 22a-1d of the general statutes and shall submit all comments and responses thereto to the Office of Policy and Management, and (2) the Office of Policy and Management shall review such evaluation together with the comments and responses thereto and make a determination as required by section 22a-1e of the general statutes. For any such environmental impact evaluation, the fact that is was performed by a contractor retained by a private non state entity shall not be grounds for a determination by the Office of Policy and Management that it does not satisfy the requirements of Chapter 439, Part I and the regulations adopted pursuant thereto.

Thank you for the opportunity to present this testimony on SB 412. Environment Connecticut supports this legislation with the substitute language referenced above.

Sincerely,

Christopher Phelps  
Program Director  
Environment Connecticut